

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JANICE BATES,

Plaintiff,

v.

CLARK COUNTY,

Defendant.

Case No. 2:04-CV-00518-KJD-GWF

ORDER

Presently before the Court is Defendant's Motion for Attorney's Fees (#39). Defendant seeks attorney's fees as the prevailing party in a Title VII action. Alternatively, Defendant seeks attorney's fees as a sanction under the Court's inherent power against Plaintiff's counsel. Having read and considered the motion, it is denied. The Court, exercising its discretion under 42 U.S.C. § 2000e-5(k), cannot find that Plaintiff's complaint was frivolous, unreasonable or without foundation.

Furthermore, the Court does not find that Plaintiff's counsel's actions multiplied the proceedings, were unreasonable or vexatious, or resulted in an increase of the costs of the proceedings. 28 U.S.C. § 1927; Gomez v. Vernon, 255 F.3d 1118, 1133-35 (9th Cir. 2001). Therefore, Defendant's motion is denied.

IT IS SO ORDERED.

DATED this 26th day of December 2006.



Kent J. Dawson
United States District Judge